

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CURTIS SCHLEIGER,

Petitioner, : Case No. 3:15-cv-249

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

ED SHELDON, Warden,
Allen/Oakwood Correctional Institution,

:
Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATIONS;
CONDITIONAL WRIT OF HABEAS CORPUS**

This habeas corpus case under 28 U.S.C. § 2254 is before the Court on Report and Recommendations of the Magistrate Judge (ECF No. 11). Petitioner filed no objections. Having taken an extension of time to do so, the Warden has now responded by declining to object (ECF No. 14). Accordingly, the Report and Recommendations are ADOPTED.

Respondent requests this Court order Petitioner's present counsel to continue to represent him in a reopened appeal and take certain measures pursuant to that appointment (Response, ECF No. 14, PageID 1444). While the Court certainly has no objection to that continued representation, it is beyond this Court's authority.

Pursuant to 28 U.S.C. §§ 2241 and 2254, it is hereby ORDERED that Respondent release Petitioner from custody unless the Twelfth District Court of Appeals reopens Mr. Schleiger's direct appeal and appoints counsel to represent him in that appeal not later than December 1,

2017.

The Clerk shall serve a certified copy of this Order on the Presiding Judge of the Ohio Twelfth District Court of Appeals at 1001 Reinartz Blvd., Middletown, Ohio 45042, by certified mail with a return receipt requested.

September 1, 2017

*s/Thomas M. Rose

Thomas M. Rose
United States District Judge